

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CYNDI KING,

Plaintiff,

v.

DFPS,

Defendant.

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Civil Action No. **3:17-CV-2936-L-BH**

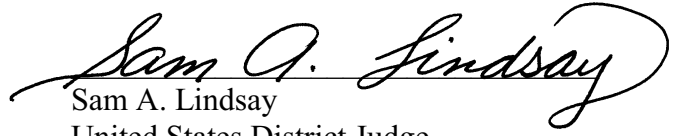
ORDER

The case was referred to United States Magistrate Judge Carrillo Ramirez, who entered the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Reports”) on November 1, 2017, and November 27, 2017, recommending that the court deny Plaintiff’s Application to Proceed In Forma Pauperis on Appeal (Doc. 9), filed October 30, 2017; and dismiss without prejudice this action for failure to prosecute or comply with court orders. Plaintiff filed objections to the November 1, 2017 Report on November 3, 2017.

After carefully reviewing the pleadings, file, record in this case, and Report, and having conducted a de novo review of that portion of the November 1, 2017 Report to which objection was made, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court **denies** Plaintiff’s Application to Proceed In Forma Pauperis on Appeal (Doc. 9), **overrules** Plaintiff’s objections, and **dismisses without prejudice** this action under Federal Rule of Civil Procedure 41(b) for failure to comply with court orders.

The court prospectively **certifies** that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3). In support of this certification, the court **incorporates** by reference the Report. *See Baugh v. Taylor*, 117 F.3d 197, 202 and n.21 (5th Cir. 1997). The court **concludes** that any appeal of this action would present no legal point of arguable merit and would, therefore, be frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). In the event of an appeal, Plaintiff may challenge this certification by filing a separate motion to proceed *in forma pauperis* on appeal with the clerk of the United States Court of Appeals for the Fifth Circuit. *See Baugh*, 117 F.3d at 202; Fed. R. App. P. 24(a)(5).

It is so ordered this 10th day of April, 2018.


Sam A. Lindsay
United States District Judge